

ENTERED

March 29, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL NO. 2:18-CR-119-2

ORLANDO ELISEO GARCIA

§

§

OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE

On March 29, 2018, Defendant Garcia moved for a continuance of the final pretrial conference and jury selection and trial because the Co-Defendant was scheduled for a hearing on April 19, 2018 on a motion to suppress that might affect the outcome of Garcia's case (D.E. 30). The United States was unopposed to the motion.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7). In addition, the Court can *sua sponte* continue a case when the defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted. 18 U.S.C. § 3161(h)(6).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence because the outcome of a hearing scheduled for April 19, 2018, may affect the outcome

of Garcia's case. In addition Garcia and Flores are co-defendants and a severance of the two defendants for trial has not been requested or granted.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial, and the period of the continuance is excluded from speedy trial computation.

The Court **GRANTS** the Defendant's motion and **CONTINUES** the final pretrial conference until **April 25, 2018 at 9:00 a.m.** before undersigned and schedules the jury selection and trial for **May 7, 2018, at 9:00 a.m.** before Hon. Nelva Gonzales Ramos.

ORDERED this 29th day of March, 2018.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE